

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUN 21 2002

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREAS WALDER

Application 09/082,309

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 11, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the file reveals that an Appeal Brief was filed on January 18, 2002 (Paper No. 16). It is clear from the record that the Appeal Brief does not comply with 37 CFR § 1.192(c)(9) (2001) and § 1206(9) of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Aug. 2001) which states that the brief shall contain "[a]n appendix containing a

Application 09/082,309

copy of the claims involved in the appeal." The appendix is deficient in that it does not contain a copy of claim 19.

Accordingly, it is

ORDERED that the application is returned to the Examiner for notification to appellant to file a complete appendix to the Appeal Brief filed January 18, 2002 (Paper No. 16), or for the examiner to issue a Supplemental Examiner's Answer which provides a copy of missing claim 19, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE SHAW

Program and Resource Administrator
(703) 308-9797

cc: Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

psb/ds/lc
RA020022